

CITY OF HAMILTON

BY-LAW NO. 20-102

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 05-200 in the City of Hamilton, generally in the area extending west to east along Dundas Street East (Highway No. 5) from 221 Dundas Street East to the Canadian Pacific Railway/Grindstone Creek, and extending north to south along Hamilton Street North from Parkside Drive to Dundas Street East, and also including four institutional properties in the neighbourhood bounded by Main Street North, Parkside Drive, Dundas Street East, and the Canadian Pacific Railway/Grindstone Creek

WHEREAS section 38 of the *Planning Act*, R.S.O. 1990 c. P.13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS the City is undertaking a land use study for the Waterdown Community Node study area in the Former Town of Flamborough;

AND WHEREAS the City will be examining the land use mix, heights, density and design issues for the lands identified on Schedule 'A';

AND WHEREAS the City will be developing a Secondary Plan that will include detailed policies and direction for land use, heritage conservation, infrastructure, residential intensification, transportation, environmental protection, urban design and similar matters of the Official Plan;

AND WHEREAS the City is conducting the Waterdown Village Built Heritage Inventory;

AND WHEREAS the City will be updating the Urban Hamilton Official Plan;

AND WHEREAS the City is developing new Zones and regulations for residential areas which will be added to the City's comprehensive Zoning By-law 05-200;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Staff are directed to undertake planning studies in respect of land use policies and zoning by-law regulations, in the areas described in Schedule "A".

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2. No buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law. Notwithstanding the foregoing restriction, the following actions are permitted:
 - a) an expansion of legally existing buildings or structures, to a maximum of 10% of the existing gross floor area;
 - b) a change to the interior or facade of legally existing buildings or structures;
 - c) the repair or restoration of any existing building, or part thereof, to a safe condition provided that such repair or restoration will not increase the height, area or volume, or site coverage of such building and that the building continues to be used for the same purpose and in the same manner as it was used on the effective date of this By-law; and,
 - d) the erection of a new accessory building or structure.
3. Within the area described in Schedule “A”, a building permit may be issued in accordance with the following provisions:
 - a) a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance or site plan, that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law No. 20-102 was passed by Council; and,
 - b) a building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the City of Hamilton on or before the day before By-law No. 20-102 was passed by Council.

For the purposes of determining zoning conformity, the following conditions shall apply:

- i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection a) or b) above.
- ii) Once the permit or approval under Subsection a) or b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.

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4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.
5. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 20th day of May, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

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This is Schedule "A" to By-law No. 20-

Passed the day of, 2020

Mayor


Clerk

Schedule "A"

Map forming Part of
By-law No. 20-_____

to Amend By-law No. 05-200
Maps 445, 446, 481, 482, 516, 517

Subject Property

 Lands Subject to By-law No. 20 - _____
(Interim Control By-law)

Scale:

N.T.S

File Name/Number:

Waterdown Interim Control By-law

Date:

May 8, 2020

Planner/Technician:

MP/NB



Hamilton